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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,585

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Kojiro Kawasaki

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EXAMINER

TEKLE, DANIEL T

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/533,585	<b>Applicant(s)</b> KAWASAKI ET AL.	
	<b>Examiner</b> DANIEL TEKLE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-10,12,13,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-10,12,13,17 and 18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

Applicant's arguments with respect to claim 1-2, 7-10, 12-13 and 18-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-10, 12-12, 18-20 and 23-25 rejected under 35 U.S.C. 102(b) as being anticipated by Abecassis (US 5,913,013).

**Regarding Claim 1:** Abecassis discloses a recording and reproducing apparatus for recording a first packet stream containing first AV transport packets and first data table packets for managing the first AV transport packets, the recording and reproducing comprising: a demultiplexer for demultiplexing the first packet stream into the first AV transport packets and the first data table packets (**column 9 lines 16-31 and Fig. 3a element 3**); a memory for storing the first data table packets (**column 9 lines 16-31 and column 11 lines 10-22**); an AV decoder for decoding the AV transport packets and outputting AV data (**column 10 lines 4-13 and column 13 lines 1-10**); an AV encoder for encoding the AV data and outputting second AV transport packets (**column 10 lines 4-13**); a data table packet generator for constructing second data table packets, based

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on the first data table packets stored in memory, for managing the second AV transport packets **(column 9 lines 16-31 and fig. 3a)**; and a multiplexer for multiplexing the second AV transport packets and the second data table packets, and outputting the multiplexed second AV transport packets and second data table packets in a second packet stream **(column 10 lines 4-13)**; wherein the second data table packets contain parental control information **(column 9 lines 16-31)**.

**Regarding Claim 7:** Abecassis discloses a recording and reproducing apparatus as described in claim 2, further comprising a program table data processor for collecting program information from the first packet stream or second packet stream and generating a program table **(column 9 lines 16-31)**; and a user interface unit for receiving user input **(column 12 lines 51-64)**; wherein the demultiplexer outputs the first AV transport packets and the first data table packets for a program selected from the user interface unit **(column 10 lines 4-14)**.

**Regarding Claim 8:** Abecassis discloses a recording and reproducing apparatus as described in claim 7, wherein the storage controller records the first packet stream or the second packet stream based on input from the user interface unit **(column 12 lines 51-64)**.

**Regarding Claim 9:** Abecassis discloses a recording and reproducing apparatus as described in claim 7, wherein the AV encoder determines the compression rate based on input from the user interface unit **(column 9 lines 16-31)**.

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**Regarding Claim 10:** Abecassis discloses a recording and reproducing apparatus as described in claim 1, further comprising an age setting unit for setting a viewer age (**fig. 4**); wherein the age set by the age setting unit and the parental control information are compared, and an AV decoding process is run if the age set by the age setting unit is greater than or equal to the parental control information, and the AV decoding process is prohibited if not (**Fig. 4**).

**Regarding Claim 12 and 18:** Claim 12 and 18 are reject for the same subject matter as claim 1 and 10 respectively discussed above.

**Regarding Claim 19-20:** Claim 19-20 are reject for the same subject matter as claim 12 discussed above.

**Regarding Claim 23-25:** Claim 23-25 are reject for the same subject matter as claims 7-9 discussed above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 13, 21-22 and 26-27 rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis as applied to claim 1 above, and further in view of Decarmo.

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**Regarding Claim 2:** Abecassis discloses all the claimed limitation of a recording and reproducing apparatus as described in claim 1, further Decarmo discloses a digital tuner for receiving and demodulating digital broadcasts; and a storage controller for recording the first packet stream or the second packet stream (**column 2 lines 37-52**); wherein the first packet stream or the second packet stream stored in the storage controller is input to the demultiplexer (**column 4 lines 40-49**).

It would have been obvious to one ordinary skill in the art at the time of the invention was made to combine Decarmo invention into Abecassis invention in order to distribute or broadcast video signal with parental management controller.

**Regarding Claim 13:** Claim 13 are reject for the same subject matter as claims 2 discussed above.

**Regarding Claim 21:** Abecassis discloses all the claimed limitation of a recording and reproducing apparatus as described in claim 1, further DeCarmo discloses the AV data is an analog signal (**column 8 lines 30-35**).

**Regarding Claim 22:** Abecassis discloses all the claimed limitation of discloses a recording and reproducing apparatus as described in claim 1, further DeCarmo discloses the AV data is a baseband signal (**column 2 lines 38-52**).

**Regarding Claim 26-27:** Claim 26-27 are reject for the same subject matter as claims 21-22 discussed above.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL TEKLE whose telephone number is (571)270-1117. The examiner can normally be reached on 7:30am to 5:00pm M-R and 7:30-4:00 Every other Friday..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621

/Daniel Tekle/  
Examiner, Art Unit 2621